

REMARKS

Claims 1-13 are pending in the present application. Claim 1 is the only independent claim.

In the Office Action, claims 1-3, 5-6, 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as obvious over US 5,271,229 to Clarke et al. ("Clarke") in view of US 4,467,757 to Dazzi ("Dazzi").

Further, in the Office Action, claim 10 is rejected under 35 U.S.C. 103(a) as obvious over Clarke in view of Dazzi and further in view of US 3,741,175 to Rouger ("Rouger"), and claims 4 and 7 are rejected under 35 U.S.C. 103(a) as obvious over Clarke in view of Dazzi and further in view of US 4,417,469 to Stevenson et al. ("Stevenson").

Reconsideration and withdrawal of the rejections is respectfully requested in view of the explanations in the response filed July 29, 2008 supplemented and illustrated by the following.

Dazzi

In the response filed July 29, 2008, it was explained that, contrary to the assertion in the Office Action dated February 29, 2008, a person of ordinary skill in the art would clearly understand the reference by Dazzi to high pressure injection (1000 bars, see Dazzi at col. 4, line 49) as referring only to diesel engines.

A Declaration under 37 C.F.R. 1.132 by Thierry Duverger, the first-named inventor in this application, is submitted with this paper for the purpose of further substantiating and illustrating how a person of the art understands the disclosure of Dazzi, i.e., that the disclosure of high pressure injection in Dazzi is limited to diesel engines.

Thus, the Declarant states his understanding that the introduction of Dazzi contains “only a general comment about injector needle, and that this passage neither describes the invention of Dazzi nor relates to injection pressure” whereas the detailed description of Dazzi “focuses exclusively on application of its injector to diesel engines.”

The Declarant further states that “[w]hen Dazzi mentions “high pressure” of “around 1000 bars” (Dazzi at col. 4, line 49), there is no doubt in my mind that Dazzi refers to high pressure injection in a diesel engine. As a person of the art, I do not think that there would be any reason to believe that this passage of Dazzi suggests or pretends to use a high pressure of 1000 bars in a gasoline engine. A suggestion of this type would be unreasonable, especially without a technical justification by Dazzi.”

The Declarant concludes that “a fair and technically accurate interpretation of Dazzi is that Dazzi uses a high pressure of around 1000 bars only for a diesel engine, as this is announced in the “Detailed Description” of Dazzi.”

In summary, the Declarant confirms that Dazzi discloses high pressure injection of around 1000 bars only in the context of the use of its injector in a diesel engine in the “Detailed Description” of Dazzi.

Krampe

In the response filed July 29, 2008, it was explained that, contrary to the assertion in the Office Action dated February 29, 2008, US 5,960,627 to Krampe et al. does not refer to “diesel

engines” at col. 1, line 14, but that the term “diesel gasoline engine” at col. 1, line 14 of Krampe would be discounted as an imprecise, indefinite, or erroneous translation of the original German text, especially in view of the fact that the person of the art would clearly understand that the whole disclosure of Krampe concerns only a diesel engine, and in particular the disclosure of a pressure of “800 bars or greater” mentioned at col. 2, lines 27-30 of Krampe.

A partial English translation of the original PCT application in German whose US national stage resulted in the U.S. Patent to Krampe et al. is submitted with this paper as further evidence and illustration of how a person of the art would understand the disclosure of Krampe.

Thus, a person of the art seeking to clarify the apparently erroneous or indefinite term “diesel gasoline engines” at col. 1, line 14, would refer to the original German text of PCT/DE96/00660 filed April 17, 1996 (WO97/11269) whose US national stage resulted in the U.S. Patent to Krampe et al., and specifically to the corresponding sentence at page 1, third paragraph, first sentence (lines 27-29) of the original German text.

As indicated in the partial English translation submitted with this paper, the term “Dieselbrennkraftmaschinen” used in the original German sentence translates as “diesel internal combustion engines,” so that a correct English translation of the full sentence reads: “In diesel internal combustion engines, it is also known to meter hydrocarbons into the exhaust pipe using a metering pump.”

Thus, an appropriate English translation of the original German text confirms that the disclosure of Krampe, as correctly interpreted, is limited to diesel engines, so that the

person of the art would immediately understand that the disclosure of a pressure of “800 bars or greater” in Krampe concerns only diesel engines.

Conclusion

In summary, the person of the art would immediately understand that disclosures of injection pressures in Dazzi and Krampe are limited to diesel engines, so that Dazzi and Krampe fail to provide any motivation or incentive regarding injection pressure in a gasoline engine, let alone a pressure of the gasoline provided to the injector that is above 250 bars, as recited in present claim 1. Further, the other cited references fail to remedy the deficiencies of Dazzi and Krampe. Therefore, the present claims are not obvious over the cited references taken alone or in any combination.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

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In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

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